IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1025 of 2003 (S/S)
(Old No. 27160 of 1996)

Umaesh Nautiayal
S/o late Shri Puroshottam Nautiyal
R/o 199 / 180 Kaileshwar Road,
Sadar Bazar, Lansdowne
District Pauri Garhwal.

….. Petitioner

Versus

1. The Cantt. Board
through its President
Lansdowne, Pauri Garhwal.
2. Executive Officer
Cantt. Board, Lansdowne,
Pauri Garhwal.

…… Respondents

Mr. G.C. Kandpal, Advocat holding brief of Mr Syed Nadim, Advocate for the petitioner.
Mr. Rajendrea Dobhal, Advocated for the respondents.

Hon'ble Prafulla C. Pant, J.

Heard learned counsel for the petitioner and learned counsel for the respondents.

2) By means of this writ petition, following reliefs have been sought by the petitioner, when this writ petition was filed before the Allahabad High Court in the year 1996:

(i) to issue a writ, order of direction in the nature of certiorari quashing the order dated 08.08.1996 (Annexure No. 13 to this writ

petition), and cancel the interview going to be held on 21.08.1996.

(ii) to issue a writ, direction or order in the nature of mandamus directing the respondent to appoint the petitioner as Junior Clerk according to the G.O. 1976 and as notified in the order dated 08.08.1996.

(iii) to issue any other writ, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the case.

(iv) To award the cost of petition to the petitioner to the petitioner.

3) Brief facts of the case are that petitioner's father was a teacher in a School run by the Cantonment Board, Lansdowne, District Pauri Garhawl. He died in harness on 10th July 1986. After four years of death of his father, the petitioner appears to have moved an application for compassionated appointment against post of a Junior Clerk, and challenged the recruitment process bean conducted by the respondent Cantonment Board.

4) As far as the relief No. (i) is concerned, the same has already become infructuous, as no interim order was passed by the Allahabad High Court, staying the interviews of aforesaid date

5). As to the entitlement of the petitioner for appointment on compassionate ground, it has been stated in the counter affidavit filed on behalf of the respondents, that the petitioner does not fulfill the qualification for the post

of a Clerk, against which he is seeking his appointment, on compassionate ground. It is further stated in the counter affidavit, that the petitioner does not fall within the category of indigent person, as per the Government Order dated 28th June 1976, which is relied by him, it is further stated that the application for compassionated appointment could not have been entertained by the respondents after a period of four years, under aforesaid Government Order.

6) Having heard learned counsel for the parties and after going through the papers on record, in view of averments made in the counter affidavit that petitioner does not fulfill required qualification for post of Junior Clerk, this Court does not find any substance in this writ petition, which is liable to be dismissed.

7) In the above circumstances, the writ petition is dismissed in limine. No order as to costs.

(Prafulla C. Pant, J.)

Dt. October 08, 2007
H. Negi